

REMARKS

This Amendment is being filed in response to the Office Action dated December 24, 2003. Claims 26 and 218-235 were pending in connection with the above-identified application. By this Amendment, Applicants have canceled claim 26. Accordingly, upon entry of this Amendment, claims 218-235 will be pending and under examination.

Claim Objections

On page 2 of the December 24, 2003 Office Action, the Examiner objected to claim 26 because it is dependent on canceled claim 1.

In response, in an attempt to advance the prosecution but without conceding either the need for amendment or the correctness of the Examiner's position, Applicants have canceled claim 26.

Accordingly, Applicants respectfully request that this objection be withdrawn.

Rejections Under 35 U.S.C. §112 first paragraph

On page 2 of the December 24, 2003 Office Action, the Examiner alleged that claim 26 is rejected because the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. The Examiner

stated that although the specification is enabling for a full length human NPFF2 receptor protein of SEQ ID NO: 1, it does not reasonably provide enablement for a monomer with a P-S6 region which is 80% identical to human NPFF2 P-S6 region, or a monomer which specifically binds to SEQ ID NO: 1, or a human NPFF2 amino acid sequence.

The Examiner further alleged that claim 26 is overly broad since insufficient guidance is provided as to which of the myriad of variant polypeptides will retain the characteristics of NPFF2. The Examiner concluded that since applicant has taught only how to test for polynucleotides which encode polypeptide variants of NPFF2, but has not taught how to make polypeptide variants of NPFF2, then it would require undue experimentation of one skilled in the art to make and use the claims polynucleotides.

In response, in an attempt to advance the prosecution but without conceding either the need for amendment or the correctness of the Examiner's position, Applicants have canceled claim 26 thereby rendering this portion of the rejection moot.

On page 6 of the December 24, 2003 Office Action, the Examiner rejected claim 26 for allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner alleged that claim 26 is a genus claim and is directed to variant polynucleotides encoding variant polypeptides with no distinguishing attributes shared by the members of the genus.

The Examiner alleged that the specification does not place any limit on the number of amino acid substitutions, deletions, insertions and/or additions that may be made to the encoded NPFF2 variants. The Examiner concluded that the specification and claim allegedly do not provide any guidance as to structural features, functional characteristics, or a representative number of species to show that applicant was in possession of the claimed genus.

In response, in an attempt to advance the prosecution but without conceding either the need for amendment or the correctness of the Examiner's position, Applicants have canceled claim 26 thereby rendering this portion of the rejection moot.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejections under 35 U.S.C. §112, first paragraph.

Rejection Under 35 U.S.C. § 112 second paragraph

On page 8 of the December 24, 2003 Office Action, the Examiner rejected claim 26 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleged that claim 26 is indefinite for containing the conditional phrase "low stringency conditions".

In response, in an attempt to advance the prosecution but without conceding either the need for amendment or the

correctness of the Examiner's position, Applicants have canceled claim 26 thereby rendering the rejection moot.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. §112, second paragraph.

Rejection Under 35 U.S.C. §102

On page 8 of the December 24, 2003 Office Action, the Examiner rejected claim 235 under 35 U.S.C. §102(b) as anticipated by Lukas, et al. (1992). The Examiner alleged that Lukas, et al., teaches the preparation of a membrane preparation, this case endosomes, from CHO cells which comprise the CFTR protein. The Examiner then alleged that claim 235 as written does not contain a limitation wherein the membrane preparation must comprise the encoded NPFF2 protein. The Examiner concluded that the membrane preparation of Lukas et al. anticipates the membrane preparation of claim 235 because it is isolated from CHO cells, and thus it is identical to the instantly claimed membrane preparation.

In response, Applicants maintain that claim 235 is not anticipated by the teachings of Lukas et al. because claim 235 is indirectly dependent on claim 218 which comprises the encoded NPFF2 protein.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

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Allowable Claims

Applicants thank the Examiner for the indication of allowability for claims 218-234. Applicants maintain that the amendments and remarks made hereinabove render all the claims now pending allowable, namely, claims 218-235.

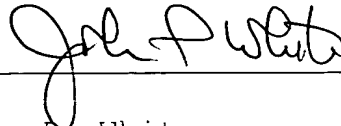
In summary, in light of the remarks made hereinabove, applicants respectfully request that the Examiner withdraw the grounds of rejection set forth in the December 24, 2003 Office Action and earnestly elicit allowance of claims 218-235.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

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No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

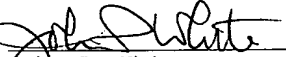
Respectfully submitted,



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